

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

03 MAY 23 PM 1: 57

U.S. DISTRICT COURT
N.D. OF ALABAMA

MICHAEL LEROY THOMAS,

Plaintiff,

v.

CV 02-PT-1864-M

MR. JAMES STEADMAN,

Defendant.

ENTERED
[Signature]
MAY 24 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on April 22, 2003, recommending that the plaintiff's Fourteenth Amendment, Equal Protection and Sixth Amendment claims against defendant Steadman be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §1915A(b)(1). The magistrate judge further recommended that the plaintiff's Eighth Amendment claims against defendant Steadman be referred to the magistrate judge for further proceedings. The plaintiff filed objections on May 6, 2003.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the Fourteenth Amendment, Equal Protection and Sixth Amendment claims against defendant Steadman are due to be DISMISSED for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §1915A(b)(1). Moreover, the Eighth Amendment claims against defendant Steadman are due to be REFERRED to magistrate judge Paul W. Greene for further proceedings thereon. X

An appropriate order will be entered.

DATED this 20th day of May, 2003.

[Signature]
ROBERT B. PROBST
SENIOR JUDGE

X To the extent that the Fourteenth Amendment claim is necessary to incorporate the Eighth Amendment claim, it will remain. *[Signature]* 20